

File



Illinois Environmental Protection Agency

P. O. Box 19276, Springfield, IL 62794-9276

217/782-8761

Refer to: 031550002 -- Cook County
LTV Steel
ILD056623698
Compliance File

PRE-ENFORCEMENT CONFERENCE LETTER

Certified # P 367 387 111

December 3, 1990

LTV Steel
Attn: Mike Thomas
11500 South Durley
Chicago, Illinois 60617

EPA Region 5 Records Ctr.



307720

Dear Mr. Thomas:

By copy of this letter the Agency hereby informs LTV Steel of apparent violations of the Illinois Environmental Protection Act and/or rules and regulations adopted thereunder. These apparent violations are set forth in Attachment A of this letter.

As a result of these apparent violations, it is our intent to refer this matter to the Agency's legal staff for the preparation of a formal enforcement case. The Agency's legal staff will, in turn, refer this matter to the Office of Attorney General or to the United States Environmental Protection Agency for the filing of a formal complaint.

Prior to taking such action, however, you are requested to attend a Pre-Enforcement Conference to be held at the Illinois EPA, Division of Land Pollution Control, 1701 South First Avenue, Suite 600, Maywood, Illinois. The purpose of this Conference will be:

1. To discuss the validity of the apparent violations noted by Agency staff, and
2. To arrive at a program to eliminate existing and/or future violations.

You should, therefore, bring such personnel and records to the conference as will enable a complete discussion of the above items. We have scheduled the Conference for Wednesday, December 19, 1990, at 9:30 a.m.. If this arrangement is inconvenient, you may arrange for an alternative date and time.

In addition, please be advised that this letter constitutes the notice required by Section 31(d) of the Illinois Environmental Protection Act prior to the filing of a formal complaint. The cited Section of the Illinois Environmental Protection Act requires the Agency to inform you of the charges which are to be alleged and offer you the opportunity to meet with appropriate officials within thirty days of this notice date in an effort to resolve such conflict which could lead to the filing of formal action.

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If either the above mentioned conference date or time is inconvenient or if you have any questions regarding this letter, please contact Chuck Gruntman at 708/345-9780.

Sincerely,



E. William Radlinski, Manager
Planning and Reporting Section
Division of Land Pollution Control

EWR:BF:jas/4030n,95-96

Attachment

cc: Division File
Maywood Region
Brian White
Rich Finley



Attachment A

1. Pursuant to 35 Ill. Adm. Code 722.111, a person who generates a solid waste as defined in Section 721.102, must determine if that waste is a hazardous waste using the following method:
 - a. He should first determine if the waste is excluded from regulation under Section 721.104.
 - b. He must then determine if the waste is listed as a hazardous waste in Subpart D of Part 721.

Note: Even if a waste is listed, the generator still has an opportunity under Section 720.122 and 40 CFR Section 260.22 to demonstrate that the waste from his particular facility or operation is not a hazardous waste.

 - c. If the waste is not listed as a hazardous waste in Subpart D of Part 721, he must determine whether the waste is identified in Subpart C of Part 721 by either:
 1. Testing the waste according to the methods set forth in Subpart C of Part 721, or according to an equivalent method approved by the Board under Section 720.120; or
 2. Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.

You are in apparent violation of Section 722.111 for the following reason(s): You did not follow the procedures in this section for making a waste determination. Waste from the benzene production process should be characterized as F005.

2. 35 Ill. Adm. Code 722.140(c) requires the generator to keep records of any test results, waste analyses or other determinations made in accordance with Section 722.111 for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage or disposal facility. You are in apparent violation of this Section in that no records of the waste determination for wash oil have been retained for a period of at least three years.

RF:jas/4030n,97